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SEP 01 2005

OFFICE OF PETITIONS

In re Application of	:	
Bowles et al.	:	LETTER REGARDING
Application No. 09/901,210	:	PATENT TERM ADJUSTMENT
Filed: July 9, 2001	:	
Attorney Docket No. 17342-0011	:	

This letter is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION," filed January 24, 2005, pursuant to applicants' duty of good faith and candor to the Office. Applicants disclose that the initial patent term adjustment should be changed from 172 days to 82 days.

The request for correction of the initial determination of patent term adjustment (PTA) is granted to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is **EIGHTY-ONE (81)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On January 3, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 172 days. Applicants disclose that a period of reduction of 90 days should have been entered for the filing of a request for continued examination (RCE) on March 8, 2004.

A review of the application history confirms that a period of reduction should have been entered for applicant delay in filing the RCE. Specifically, the RCE filed March 8, 2004, was filed in response to the final rejection mailed September 8, 2003. Pursuant to § 1.704(b), any patent term adjustment in this application is subject to an additional reduction of 91 days (not 90 days) for applicant delay from December 9, 2003 to March 8, 2004.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is EIGHTY-ONE (81) days.

As this letter was submitted as an advisement to the Office of an error in Applicant's favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The fee under § 1.18(e) is being refunded by the Office of Finance.

The application is being forwarded to the Office of Patent Publication for issuance of the application.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.


Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of adjusted PAIR calculation